

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: BERGERON SUBDIVISION

Case Number: PLD2004-00075; SEP2004-00134; WET2004-00031;
HAB2004-00178

Location: Healy Road just east of SR 503

Request: The applicant is requesting to subdivide an approximate 15-acre parcel into 6 single-family residential lots located in the RC2.5 zone district. There are wetlands and habitat on the property.

Applicant: Moss and Associates
Attn: Jennifer Berry
717 NE 61st Street, Suite 202
Vancouver, WA 98665
(360) 260-9400; (360) 260-3509 FAX
E-mail: Jennifer@mossandassociates.net

Contact Person: Same as applicant

Property Owner: Murray Bergeron
Bergeron Ltd. Family Partnership
17416 NE 122nd Avenue
Battle Ground, WA 98604

RECOMMENDATION

Approval subject to Conditions of Approval

Team Leader's Initials: **Date Issued:** 12/6/04

Public Hearing Date: December 21, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Travis Goddard	4180	Travis.goddard@clark.wa.gov
Engineer:	Ken Burgstahler	4347	Ken.burgstahler@clark.wa.gov
Engineer: (Concurrency):	Shelley Oylear	4354	Shelley.oylear@clark.wa.gov

Engineer Supervisor:	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor (Trans. Concurrency):	Steve Schulte P. E.	4017	Steve.schulte@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	Brent.davis@clark.wa.gov
Habitat Biologist:	Dave Howe	4598	David.howe@clark.wa.gov

Comp Plan Designation: RC-2.5

Parcel Number(s): (Parcel Number 274385-000; 274588-000)
Southeast Quarter of Section 12,
Township 5 North, Range 3 East of the
Willamette Meridian; Northeast Quarter of
Section 13, Township 5, Range 3 East of
the Willamette Meridian

Applicable Laws:

Clark County Code: Title 15 (Fire Prevention), Section 40.210.030 (RC Residential District), Chapter 40.350 (Transportation), Section 40.350.020 (Transportation Concurrency), Chapter 40.380 (Storm Water Drainage and Erosion Control), Section 40.440 (Habitat Conservation), Section 40.450 (Wetland Protection Ordinance), Sections 40.500 and 40.510 (Procedures), Section 40.540 (Land Division Ordinance), Section 40.570 (SEPA), Section 40.570 (SEPA Archaeological), Section 40.610 (Impact Fees), Title 24 (Public Health), and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

No Mapping Indicators

Time Limits:

The application was determined to be fully complete on October 7, 2004. Therefore, the County Code requirement for issuing a decision within 92 days lapses on January 7, 2005. The State requirement for issuing a decision within 120 calendar days, lapses on February 4, 2005.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on January 8, 2004. Therefore the application was not submitted in time to contingently vest.

The fully complete application was submitted on September 30, 2004 and determined to be fully complete on October 7, 2004. Given these facts the application is vested on September 7, 2004.

There are not any disputes regarding vesting.

Public Notice:

Notice of application and public hearing was mailed to the applicant and property owners within 500(rural) feet of the site on October 21, 2004 (Note: This site is not located within the boundaries of a recognized neighborhood association.) One sign was posted on the subject property and two within the vicinity on October 21, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on October 21, 2004.

Public Comments:

The Washington State Department of Ecology expressed concerns about the potential toxic materials being found during development. Their letter included instructions on what the applicant can do should they find any toxic materials. They also expressed concerns about water quality and the need for erosion control and stormwater control. Lastly they discussed groundwater withdrawal for residential use.

Staff response: The applicant will be required to perform erosion control at the time of building and development activity. Should any stormwater review be triggered at any time of the development process, they will be required to meet Clark County's stormwater ordinance standards. Well water rights are an issue for the Department of Ecology and well approval is the responsibility of the Clark County Health Department. Neither of these two agencies has indicated that the proposed project will not meet their standards for well quality or quantity. The Health Department will be required to sign the final plat mylar. Should they find there is a problem with water availability they can withhold signature from the final plat and the development would be unable to proceed. The applicant assumed this risk when they proposed using groundwater wells for their water source.

The Washington State Department of Transportation states that the applicant must use the existing access because of sight distance and safety concerns.

Staff response: Engineering staff has reviewed these comments and incorporated them into their findings and conditions.

Project Overview

The applicant is proposing to divide a 15 acre parcel into 6 lots with minimum lot sizes of 2.5 acres using the Rural Center 2.5 development standards.

The site is generally flat and has wetlands.

The development will utilize private water wells and private on-site sewage disposal systems.

This project is immediately south of another parcel that is going through the approval process at this time. Despite running concurrently and having the same applicant as PLD2004-00074, that project is not part of this review.

Access will be provided through the existing access point on SR-503 via a private road.

Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	RCR	RC-2.5	Vacant
North	RCR	RC-2.5	Large Lot Residential
East	RI	MH	Vacant
South	FR-1	FR-80	Forested Hillside
West	RCR	RC-2.5	Large Lot Residential

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

- Finding 1 Residential subdivisions are permitted provided the resulting lots can be shown to meet the standards set forth for Rural Center Residential districts in CCC 40.210.030(D).
- Finding 2 Lot requirements – New lots in the RC-2.5 zoning district are required to have minimum lot areas of 2.5 acres (as per Table 40.210.030-2). In this case Lots 2 through 6 all exceed this standard. Lot 1 is only 2.49 acres and therefore undersized. This lot will have to be adjusted to reflect a 2.5 acre size for final approval. (See Condition of Approval A-1)
- Finding 3 Lot requirements – New lots in the RC-2.5 zoning district are required to have minimum lot widths of 100 feet (as per Table 40.210.030-2). Staff finds that the proposed subdivision has lot widths that exceed this standard.
- Finding 4 Lot requirements – New lots in the RC-2.5 zoning district are required to have minimum lot depths of 140 feet (as per Table 40.210.030-2). Staff finds that the proposed subdivision exceeds the required standard.
- Finding 5 Setbacks – In the RC-2.5 zoning district, lots have a standard set of lot line setbacks as well as special setbacks for lots located adjacent to resource lands and surface mining uses. Additionally, there are special side setbacks for agricultural buildings in the above cases. Any existing buildings on the site will need to meet all setbacks prior to final plat approval and all future buildings on the individual lots will need to meet these setbacks (unless changed as the result of future code or zoning changes). See Table 40.210.030-3.

CRITICAL AREAS:

Habitat

- Finding 1 A riparian Habitat Conservation Zone (HCZ) is present on the subject parcel. The riparian designation is associated with Chelatchie Creek, a Department of Natural Resources (DNR) type 3 watercourse in this area. According to CCC Table 40.440.010(C)(1)(a) of the Habitat Conservation Ordinance (HCO), a DNR type 3 watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ). The HCZ extends outward from the ordinary high water mark 200 feet, or to the edge of the existing 100-year floodplain, whichever is greater. In this case, the former of the two measurements defines the extent of the riparian HCZ.
- Finding 2 The applicant is utilizing internal riparian zone averaging per CCC Chapter 40.440.020(C)(3) in order to accommodate portions of the development (see Exhibit 5). In Exhibit 5, the applicant provides the necessary analysis showing functional equivalency between the habitat reduction and compensation areas. In addition, the net acreage of the riparian HCZ will remain the same and the existing habitat functions will be maintained as required under CCC Chapter 40.440.020(A)(2)(a).
- Finding 3 The applicant will be incorporating portions of the riparian HCZ within the acreages of the proposed lots. In order to prevent future confusion and possible habitat degradation by individual lot owners, several conditions of approval were rendered. These conditions are intended to adequately

identify and guard against habitat impacts like pet predation, dumping of yard wastes, clearing, fencing, etc. It has been well documented that these human induced impacts can significantly affect habitat functionality. In this case, the potential disturbances would negatively impair wildlife occupation of viable habitats, wildlife population levels, wildlife movement or dispersal, contribute to non-point sources of pollution and erosion, and simplify habitat structure and function from it's current level of habitat functionality, which does not comply with CCC Chapter 40.440.020(A)(2)(a). Therefore, provided conditions of approval A-2 through A-10 are implemented, staff finds the subdivision can comply with the CCC Chapter 40.440.

Wetlands

Finding 1 Compliance with CCC 40.450 will ensure that the project has no significant environmental impacts to wetlands (see SEPA Determination).

Finding 2 Staff concurs with the wetland boundaries shown on the preliminary plat (Exhibit 5). The site contains Category 4 and Category 2 wetlands (refer to Exhibit 17). Category 2 wetlands require a 100 ft. buffer for land divisions in the Rural Area. The Final Plat and Final Enhancement/Mitigation plan must be revised to show the correct wetland buffer boundaries on lots 1, 4 and 5. (See Condition A-27)

Finding 3 Preliminary Wetland Mitigation Plan prepared by the Resource Company (Exhibit 18) shows the proposed wetland enhancement area within the existing Category 2 wetland. The enhancement area must be located within Category 4 wetlands. There is adequate Category 4 wetland area available on the site to provide the required enhancement.

Finding 4 Using, the revised 100ft. wetland buffer required on lots 4 and 5 , the Preliminary Wetland Mitigation Plan prepared by the Resource Company (Exhibit Y) does not provide sufficient wetland buffer mitigation to comply with CCC 40.440.040(C)(5). The driveway for lots 4, 5, and 6 is located within the 100 ft. buffer. The total buffer impact must also include the loss of buffer function adjacent to the proposed wetland fill. The total wetland buffer enhancement area must be expanded to replace the proposed buffer reduction at a 3:1 ratio for enhancement by 1 buffer type or a 2:1 ratio for enhancement by 2 buffer types. There is adequate wetland buffer area available on the site to provide the required enhancement.

Conclusion:

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary land division and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance PROVIDED that conditions A-11 through A-14 are met. Therefore, the requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:

Circulation Plan

Finding 1 – Since frontage improvements and a traffic study will not be required for this development, a circulation plan would not be required per CCC 40.350.030(B)(2)(a).

Roads

Finding 2 – CCC 40.350.030(B)(6)(b)(2) requires that private access roads shall have an all weather driving surface, unobstructed roadway width of 20 feet, except in those cases where the preexisting road is 18 feet wide, additional widening is not necessary. The preliminary application material indicates that the offsite private access road has an existing gravel width of 20 feet. Therefore, staff finds that these requirements have been satisfied.

Finding 3 – This plat proposes utilizing an existing private road, for access. This road is not located on the subject parcel. The applicant shall provide evidence that they have permission to utilize this road for these purposes. (See Condition # A-15)

Finding 4 – The onsite road is proposed as a Rural Private Road. This road must comply with the requirements of Table 40.350.030-5 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum surfacing width of 20 feet and a minimum easement width of 30 feet. (See Condition # A-16)

Finding 5 – CCC 40.350.030(B)(12)(b)(1) requires an approved turnaround on private roads greater than 150 feet in length. CCC 40.350.030(B)(12)(b)(2) goes on to say that approved turnarounds may include cul-de-sacs or hammerheads. The applicant proposes a hammerhead complying with Drawing 32 of the Transportation Standards. Staff finds this acceptable. (See Condition # A-17)

Finding 6 – The applicant shall provide a private road maintenance agreement for the private road as required in CCC 40.350.030(C)(4)(g). An agreement must also be provided for the offsite private road. These agreements must include the owners of the appropriate lots using the private road for access among those responsible for the maintenance of this road. (See Condition # A-18)

Finding 7 – CCC 40.350.030(B)(10)(c) requires the following notice placed on the face of the final plat: “Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance”. (See Condition # D-12)

Finding 8 – This development utilizes an existing private road to access SR 503, a state highway. Access to a state highway must meet the requirements of the Washington State Department of Transportation (WSDOT), according to CCC 40.350.030(B)(4)(e). The submitted plan shows the existing access from this property to SR 503 as being outside the 30-foot wide access easement. Because sight distance where the access easement intersects with SR 503 would be less than at the existing access location,

WSDOT will require that the access remain in its existing location. (See Condition # A-19)

Finding 9 – The Access Management Law, Chapter 468-52 WAC requires WSDOT to review all existing Access Connection Permits with any change of use. Therefore, a new WSDOT Access Connection Permit will be required due to the change in use of this property. The applicant should contact Mrs. Debbie Schneider, Southwest Region Access Engineer, at (360) 905-2295 for information on obtaining a new Access Connection Permit. (See Condition # A-20)

Finding 10 – The applicant proposes a joint driveway extending north from the private road to serve Lots 1, 2 & 3, and another joint driveway extending south from the private road to serve Lots 4, 5 & 6. In order to insure that all lots have access, and not place an undue burden on the future owners, the north joint driveway shall be constructed to the west line of Lot 3 prior to final plat approval. The south joint driveway shall be constructed to the north line of Lot 6 prior to final plat approval. These driveways shall have a minimum width of 12 feet of clear, unobstructed all-weather driving surface, and an overhead clearance of 13 feet 6 inches to comply with CCC 40.350.030(B)(4)(b)(2). (See Condition # A-21)

Finding 11 – CCC 40.350.030(B)(4)(b)(3) says that driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. A minimum of one turnout shall be constructed with the north driveway prior to final plat approval. (See Condition #A-8) A note shall be placed on the final plat requiring the turnarounds in Lots 3 & 6. (See Condition # D-10)

Finding 12 – The joint driveways shall be in a minimum 20-foot wide easement to comply with CCC 40.350.030(B)(4)(b)(2). This easement shall be widened as necessary to accommodate the required turnout. (See Condition # A-23)

Finding 13 – CCC 40.350.030(B)(11) says that a maximum of three legal lots may use a joint driveway to access a public or private road. A note shall be placed on the final plat saying that only Lots 1, 2 and 3 of this plat may utilize the north joint driveway to access the private road and only Lots 4, 5 and 6 of this plat may utilize the south joint driveway to access the private road. (See Condition # D-11)

Road Modifications

There are no road modifications associated with this proposal.

Conclusions (Transportation)

Transportation Plan

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to the conditions below, meets the requirements of the county transportation ordinance.

STORMWATER:

Finding 1 - Applicability:

Stormwater and Erosion Control Ordinance CCC 40.380 applies to each of the following development or redevelopment activities that:

- a. Results in 5,000 square feet or more of new impervious area within the rural area
- b. Results in 2,000 square feet or more of new impervious area within the urban area
- c. The addition or replacement of more than 1,000 square feet of impervious surface for any of the development activities or redevelopment listed in Sections 40.380.040(B)(7)(a) and 40.380.040(B)(7)(b), building areas excluded
- d. The platting of single-family residential subdivisions in an urban area
- e. If redevelopment results in 5,000 square feet or more of replaced impervious surface, then the provisions of Section 40.380.040(B)(3) apply.
- f. Drainage projects
- g. All land disturbing activities except those exempted in Section 40.380.030(A).

The private road will not create 5,000 square feet or more of impervious area. CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the proposed homes and their normal appurtenances are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance. (See Condition # A-24)

Finding 2 - Stormwater Proposal:

The applicant has not submitted a stormwater proposal.

Finding 3 – Erosion Control

An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Conditions # A-25, D-9 and E-8 through E-11)

Effective January 1, 2002, all development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director, per CCC 40.380.050(D). Residential homeowners constructing their own development activity are exempt. (See Condition # A-26)

Conclusion:

Based upon the development site characteristics, and the requirements of the County's stormwater ordinance, staff concludes that the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 Fire Marshal Review - This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 Building Construction - Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (See Condition B-2).

Finding 3 Fire Flow - Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Adequate fire flow is not available within 1000 feet of the property line. Alternative construction methods shall be used to meet fire flow, this may include 30 foot setbacks and a class "A" or better rated roof.

Finding 4 Fire Hydrants - Fire hydrants are not required for this application.

Finding 5 Fire Apparatus Access - The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Finding 6 Fire Apparatus Turnarounds - Approved fire apparatus turnarounds are required for this project. The indicated provisions for turning around fire apparatus are not adequate. A turnaround will be required at the terminus of the joint driveway, constructed in accordance with Clark County road standards.

WATER & SEWER SERVICE:

Finding 1 The use of water wells and septic systems are proposed to serve the site. A "Health Department Evaluation Letter" has been submitted that confirms the Health Department conducted an evaluation of the site and confirms that the proposed wells and septic systems are feasible, subject to conditions of approval.

Finding 2 Where use of wells or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording (See condition # E-1).

Finding 3 There is one existing well and/or septic system on the property. The Health Department requires either a new site approval or a satisfactory verification prior to final plat approval.

IMPACT FEES:

Finding 1 The site is located in the Battle Ground School District Impact Fee (SIF) district.

The following note shall be placed on the final plat stating that:

"In accordance with CCC 40.610, the school impact fees for each of the proposed new single-family dwellings in this subdivision are:

1. \$3,000.00 SIF per new single-family dwelling in the Battle Ground School District.

"The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedules." (See condition of approval B-1 and D-5)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS was October 21, 2004, and was issued under WAC 197-11-340. The lead agency did not act on this proposal until the close of the 14-day comment period, which ended on November 4, 2004.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Staff Contact Person: Travis Goddard, (360) 397-2375, ext. 4180

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.co.clark.wa.us>**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A. Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 40.350.030(C)(4)(i) & (j) and 40.380.040N.

- A-1** Lot 5 lot will have to be adjusted to reflect a 2.5 acre size.
- A-2** No clearing or development shall occur within the remaining "un-averaged" riparian HCZ or the habitat compensation area without an approved Habitat Permit.
- A-3** Any modifications to the preliminary plat that cause greater habitat impacts than what is preliminarily shown shall be subject to additional review and possible mitigation under a new Habitat Permit.
- A-4** All remainder lands within the riparian HCZ, including habitat compensation areas shall be delineated on the face of the Final Plat.

- A-5** Appropriate demarcation and signage of the habitat boundaries shall be in place prior to initiating any groundbreaking activity.
- A-6** The applicant shall delineate "building/clearing envelopes" on proposed lots 1, 2 and 3 that are clearly outside of the averaged habitat boundaries prior to Final Plat approval.
- A-7** Signage shall be posted along the habitat boundaries at an interval of one (1) per lot or every one hundred (100) feet, whichever is less, and be perpetually maintained by the homeowners in such a manner so as to sufficiently identify and protect habitat functionality. Signs shall read "Habitat Conservation Area, Please leave in a natural state - Department of Community Development (360) 397-2375."
- A-8** A note shall be included on the Final Plat stating "clearing native vegetation, planting non-native vegetation, construction or development of any kind, the dumping of yard wastes, and any other physical alteration of the habitat area determined injurious by the Planning Director, is expressly prohibited as per Conservation Covenant #_____."
- A-9** The applicant shall enter all remainder lands within the riparian HCZ into a Habitat Conservation Covenant in conjunction with the Final Plat.
- A-10** The Habitat Conservation Covenant shall specifically prohibit the construction of fences across the riparian area, the clearing of native vegetation (both dead or alive), the removal of downed woody debris, the dumping of yard wastes, and any other physical alteration of the land that degrades habitat functionality. The covenant shall also require individual lot owners to maintain the exclusionary signage used to protect the habitat area.
- A-11** Final wetland permit approval shall be required (standard wetland permit condition);
- A-12** The Final Enhancement/Mitigation plan and Engineering Construction Plans shall be revised to show the correct wetland buffers on lots 1, 4, and 5 (see Wetland Finding #2)
- A-13** The Final Enhancement/Mitigation plan shall be revised to show all proposed wetland impacts and shall include sufficient wetland mitigation to comply with CCC 40.450.040 (D) (see Wetland Finding #3);
- A-14** The Final Enhancement/Mitigation plan shall be revised to show all wetland buffer impacts (including function loss adjacent to the wetland fill) and shall include adequate buffer mitigation to comply with CCC 40.450.040 (C)(5) (see Wetland Finding #4).
- A-15** The applicant shall provide evidence that they have permission to utilize the offsite private road for these purposes. (See Transportation Finding #3)
- A-16** The onsite private road must comply with the requirements of Table 40.350.030-5 and Drawing 27 of the Transportation Standards. These requirements include, but are not limited to a minimum surfacing width of 20 feet and a minimum easement width of 30 feet. (See Transportation Finding #4)

- A-17** The applicant shall construct a hammerhead complying with Drawing 32 of the Transportation Standards at the end of the private road. (See Transportation Finding #5)
- A-18** The applicant shall provide a private road maintenance agreement for the private road as required in CCC 40.350.030(C)(4)(g). An agreement must also be provided for the offsite private road. These agreements must include the owners of the appropriate lots using the private road for access among those responsible for the maintenance of this road. (See Transportation Finding #6)
- A-19** The access from this property to SR 503 must remain in its existing location. (See Transportation Finding #8)
- A-20** The applicant shall obtain a new WSDOT Access Connection Permit. All conditions of this permit must be satisfied. Information on obtaining a new Access Connection Permit may be obtained from Mrs. Debbie Schneider, Southwest Region Access Engineer, at (360) 905-2295. (See Transportation Finding #9)
- A-21** The north joint driveway shall be constructed to the west line of Lot 3. The south joint driveway shall be constructed to the north line of Lot 6. These driveways shall have a minimum width of 12 feet of clear, unobstructed all-weather driving surface, and an overhead clearance of 13 feet 6 inches. (See Transportation Finding #10)
- A-22** The north joint driveway shall be constructed with a minimum of one turnout constructed such that the maximum distance from turnout to turnout, or from turnout to turnarounds does not exceed 500 feet. Turnouts shall comply with Drawing 33 of the Transportation Standards. (See Transportation Finding #11)
- A-23** The joint driveways shall be in a minimum 20-foot wide easement. This easement shall be widened as necessary to accommodate the required turnout. (See Transportation Finding #12)
- A-24** This development is subject to CCC 40.380, the Stormwater and Erosion Control Ordinance. However, CCC 40.380.040(A)(6) exempts the construction of single-family homes, and their normal appurtenances and accessory structures, on an existing lot within the rural area from Section 40.380.040(B) (Water Quality Treatment) and Section 40.380.040(C) (Quantity Control). Therefore, the proposed homes and their normal appurtenances, including the joint driveway are not subject to these sections of the Stormwater and Erosion Control Ordinance. This project is still subject to the Erosion Control portions of this ordinance. (See Stormwater and Erosion Control Finding #1)
- A-25** An erosion control plan for the development shall be submitted in compliance with Section 40.380.060(E). The erosion control plan shall be submitted and approved prior to any construction. The applicant shall submit a copy of the approved plan to the Chief Building Official. Failure to comply with the approved erosion control plan can result in a stop-work order, citation, or other code enforcement actions. (See Stormwater and Erosion Control Finding #3)
- A-26** All development activities performed by licensed contractors shall be supervised by an individual who shall have successfully completed formal training in erosion and sediment control during construction by a recognized organization acceptable to the director. (See Stormwater and Erosion Control Finding #3)

- A-27** The Final Plat shall be revised to show the correct wetland buffers on lots 1, 4, and 5 (see Wetland Finding #2).

B. Conditions that must be met prior to issuance of Building Permits

- B-1** Impact fees shall be paid prior to issuance of a building permit for each lot as follows:

- School Impact Fees: \$3,000.00 (Battle Ground School Dist)

If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees shall be recalculated according to the then-current ordinance rate.

- B-2** Building Construction - Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Fiore Protection Finding #2)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

- D-1 Archaeological (all plats):**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

- D-2 Land Near Agricultural, Forest or Mineral Resource Lands:**

"The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides."

- D-3 Mobile Homes:**

"Mobile homes are permitted on all lots subject to the requirements of CCC 40.260.130."

- D-4 Mobile Homes:**

"Applicants for placement of mobile homes are required to meet all of the listed criteria found in CCC 40.260.130(D) at the time of placement permit."

- D-5 Impact Fees:**

"In accordance with CCC 40.610, the School Impact Fees for each dwelling in this subdivision are: \$ 3,000.00 (Battle Ground School District). The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____."

Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-6 Septic Systems:

"The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."

D-7 Wetland Covenants:

"Clark County Wetland Protection Ordinance (Clark County Code Chapter 13.36) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this Plat."

D-8 Wetland Development Envelopes:

"No 'regulated activities' as defined in the Wetland Protection Ordinance (Clark County Code Chapter 40.450) shall occur outside of the development envelopes shown on the face of this plat without prior approval from the County Planning Director."

D-9 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-10 Driveways:

"The joint driveways shall be provided with an approved turnaround at the terminus."

D-11 Driveways:

"Only Lots 1, 2 and 3 of this plat may utilize the north joint driveway to access the private road and only Lots 4, 5 and 6 of this plat may utilize the south joint driveway to access the private road."

D-12 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

E-1 If the use of wells and/or septic systems are proposed, the Health Department must sign the final plat prior to submittal to the county for final plat review and recording.

- E-2** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

Water Wells and Septic Systems:

- E-3** Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy).
- E-4** For on-site water wells and sewage system, the following requirements shall be completed prior to final plat recording:
- A. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
 - B. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
 - C. Each on-site sewage system shall be on the same lot it serves;
 - D. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
 - E. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
 - F. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
 - G. A copy of the County approved final drainage plan shall be submitted for review; and,
 - H. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire, subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

Wetlands and Buffers:

E-5 Wetlands:

The requirements of CCC Section 40.450.030 (E)(4) shall apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence);
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat and including a note that refers to the separately recorded conservation covenant.

Final Construction/(Site) Plan Review:

E-6 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-7 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-8 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-9 Erosion Control:

A copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-10 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-11 Erosion Control:

Erosion control facilities shall not be removed without County approval.

E-12 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter J of the 2003 International Building Code (IBC).

E-13 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee with a maximum fee of \$5,000.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>